

CV 04 4850

UNITED STATES OF NEW YORK

SOUTHERN DISTRICT OF NEW YORK

PIRU UMOJA 141-04-14038

PLAINTIFF

Against

CITY OF NEW YORK POLICE DEPARTMENT

DARU DONAWA; SHEILD 02797

EVAN SMELLEY; SHEILD 04312

ALBERT ARREDONDO; SHEILD 10316

JOHN DOE; JOHN DOE, JOHN DOE,

JOHN DOE, ET AL.

DEFENDANTS.

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

* OCT 29 2004 *

BROOKLYN OFFICE

DEANE, J.
BLOOM, M.J.

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1. Plaintiff: PIRU UMOJA 141-04-14038

1600 Hazen Street

East Elmhurst, New York, 11370

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2. Defendants: Daru Donawa, Sheild 02797

Evan Smelley, Sheild 04312

Albert Arredondo; Sheild 10316

John Doe, John Doe, John Doe, John Doe

are employed by the 77th pct at

127 Utica ave

Brooklyn, New York, 11213

3.

STATEMENT OF CLAIM

On 9.3.04 plaintiff was grabbed by shirt from the passenger

seat and thrown to the ground where several John Does placed guns to plaintiff's head, while he was being handcuffed as well as maliciously and sadistically assaulted, which consisted of kicking the plaintiff in the side area, causing the plaintiff severe pain in the side area and internal bleeding, which was detected in plaintiff's urine upon arrival to Riker's Island on 9-1-04. When plaintiff arrived to the 77th pct he was placed in a cell by himself where he was again assaulted for allegedly not cooperating with the defendants who asked the plaintiff whose car did he steal. Plaintiff continuously told defendants he did not steal anybody's car and that the paperwork to the vehicle is in the car, why don't you go look instead of jumping me; plaintiff was punched in the stomach before these John Doe defendants left. On 9-4-04 plaintiff and several other detainees were in the process of getting ready to go to central booking when defendants Daru Donawa, 02797, Evan Smalley 04312, Albert Arredondo 10316 and a John Doe said plaintiff and four other detainees had to do a line up. Plaintiff said "he is not going in no line up without some type of lawyer present, because he is not going to get railroaded," plaintiff was told "to deal with it in court when he see the Judge". Plaintiff refused to go to the line up at which time, plaintiff was forcibly taken to the line up room and assaulted while in handcuffs by defendants Daru Donawa 02797, Evan Smalley 04312, Albert Arredondo 10316 and several John Does. Such assault consisted of punches and kicks to the plaintiff's stomach, legs, back and side areas; causing plaintiff severe pain and internal bleeding, which was detected in plaintiff's urine through urine samples at Riker's Island.

4. Plaintiff does not own any real estate; stocks; bond; notes; automobiles;

or other valuable property.

5. There are no person(s) dependent on plaintiff; neither does plaintiff support any person(s).

6. Plaintiff is suing the city of new york for \$500,000 in its official capacity for improperly screening their employees prior to hiring their employees.

7. Plaintiff is suing the city of new york for \$500,000 for inadequately training their employees in the handling of detainees when in their custody.

8. Plaintiff is suing Daru Donawa 02797, Evan Smelley 04312, Albert Arredondo 10316, John Doe, John Doe, John Doe, John Doe each in their official and individual capacity for \$500,000 for their participation in the assault on plaintiff.

9. Plaintiff is suing the city of new york police department for \$1 million.

10. Plaintiff is suing its employees for a total of \$3.5 million.

Piru Umoja 1410414038

Piru Umoja

Plaintiff

1600 Hazen St

East Elmhurst, N.Y. 11370